



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

This case goes one step further than those which hold that, in absence of crime, the courts will not permit such an unfair and inequitable method to enforce a civil process. *Snelling v. Watrous*, 2 Paige, Ch. 14; *Beacom v. Rogers*, 79 Hun. 220.

PHYSICIANS—PRACTICING WITHOUT LICENSE—OSTEOPATHY.—*LITTLE V. STATE*, 84 N. W. 248 (Neb.).—A man practiced osteopathy without complying with a statute establishing a State Board of Health and prohibiting the practice of "medicine, surgery and obstetrics" without a license. *Held*, liable to the penalty prescribed by the statute.

The practice of osteopathy consists principally in rubbing and kneading portions of the bodies and manipulating the limbs of patients to remove the cause or causes of disease. The Court, taking a broad view of the question at issue, sought to carry out the legislative intent and effect the object of the statute designed to protect the public. *State v. Buswell*, 58 N. W. 728, 24 L. R. A. 69. The judges could see no reason why osteopathy should be distinguished from "Christian Science" treatment, and accordingly followed *Eastman v. People*, 71 Ill. App. 236.

STREET RAILROADS—REMOVAL OF OBSTRUCTIONS—SHADE TREES.—*MILLER V. DETROIT, Y. & A. A. RY. CO.*, 84 N. W. 49 (Mich.).—A street railway company, with the proper franchise to lay tracks, erect poles, etc., removed eleven shade trees without notice or compensation to owner. *Held*, liable for damages.

The Court followed the principle laid down in *Wyant v. Telephone Co.*, 47 L. R. A. 497, viz: that a telephone company has the right to cut out the branches of trees along the public highway. It held accordingly that, a street railway not being an additional servitude, the company may remove all obstructions, including shade trees, without compensation to the owner. *Wilson v. Simmons*, 36 Atl. 380; *Dodd v. Traction Co.*, 57 N. J. Law 482. However, as the abutting owner has the title to shade trees adjoining his premises (*Coolley, Torts*, 318, 372; *People v. Foss*, 80 Mich. 559), he must have notice to remove obstructing trees, and reasonable time, before the municipality or any corporation may proceed to do so. *Clark v. Dasso*, 34 Mich. 86; *Stretch v. Village of Cassopolis*, 84 N. W. 51. The defendant failed to give such notice and was accordingly held liable for damages.

TELEPHONE COMPANY—ACTION FOR NON-FEASANCE.—*LEVIN ET AL V. SOUTHWESTERN TELEGRAPH & TELEPHONE CO.*, 59 S. W. 303 (Tex.).—The appellant was expecting an important message over the wires of the appellee company, and was waiting in appellee's office to receive the same. The appellant desired to leave the office for a short time, and left word where he might be found. While he was absent, the message came. The appellee knew of the importance of the message, but made no effort to get the appellant, in consequence of which the latter suffered great pecuniary loss. *Held*, no action would lie.

This case was decided as above on the ground that the appellee company had in no way agreed to serve the appellant in any capacity, nor to do anything for which it would be liable. The contract, if there was one, must have been inferential in character. Even granting this, no consideration was averred or proved, and hence no liability could attach. *Telegraph Co. v. Henry*, 87 Tex. 160; *Insurance Co. v. Davidge*, 51 Tex. 249; *Dodge v. Burdell*, 13 Conn. 170.